

# Notice of Allowability

Application No.

09/746,322

Examiner

Philip C Tucker

Applicant(s)

HUGHES ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 12/11/03.
2. ☒ The allowed claim(s) is/are 25,30 and 32.
3. ☒ The drawings filed on 12/21/00 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Philip C Tucker  
Primary Examiner  
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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Litman on 5/3/04.

The application has been amended as follows:

In the claims the status identifiers are corrected as follows:

1-24. (CANCELLED)

25. (PREVIOUSLY PRESENTED) A naphthopyran comprising 2,2-(4-methoxy-4'-pyrrolidino)diphenyl-5-methylol-7-fluoro-9-methoxy-[2H]-naphtho[1,2-b]pyran.

26. (CANCELLED)

27. (CANCELLED)

28. (CANCELLED)

29. (CANCELLED)

30. (CURRENTLY AMENDED) A photochromic composition containing at least one photochromic naphthopyran compound according to Claim 25-26 and a polymeric

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host material selected from the group consisting of polycarbonates and polyvinyl alcohol.

31. (CANCELLED)

32. (CURRENTLY AMENDED) A photochromic article having a layer thereon comprising the photochromic composition ~~article~~ according to Claim 30 characterized that the article is an ophthalmic lens.

In the specification,

On page 5, line 11, delete "reing" and insert therefor --ring--.

On page 7, line 5, delete "figure" and insert therefor --Formula--.

On page 10, line 16, after 1998 insert --now patent no. 6,478,988--.

On page 12, line 3 delete "sing" and insert therefor --ring--.

On page 22, line 19, delete "Figures" and insert therefor --Formulae--.

On page 23, line 7, delete "figures" and insert therefor --formulae--.

On page 23, lines 9-15 replace the paragraph as follows:

--Example 3

Two other dyes, the structures of all are shown as ~~No. I and No. II~~ Structures 1 and 2 in the accompanying formulae were also provided by essentially the identical procedures described above, by selection of the appropriate naphthol and propargyl alcohol. Each dye displayed photochromic behavior with two maximum peaks between

450 and 620 nm. It is a preferred characteristic of the dyes of the present invention to display two absorption maximum peaks, one between 440 and 510 nm, the other between 550 and 630 nm. –


2. The following is an examiner's statement of reasons for allowance: The prior art of record, such as WO '695 and Tanizawa, and in general fails to teach or suggest the current compound of claim 25, containing the F at the 7-position, and methoxy at the 9-position to one of ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Tucker whose telephone number is 571-272-1095. The examiner can normally be reached on Monday - Friday, Flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Philip C Tucker  
Primary Examiner  
Art Unit 1712

PCT-3004